S.B. CIVIL MISC. APPEAL NO.215 /2007.
(Smt. Krishna Mishra & Ors. Vs. Bhanwar Lal & Ors.)

Date of Order :: 17th January 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Sandeep Saruparia, for the appellants.

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Having heard learned counsel for the claimant-appellants and having perused the impugned award dated 24.08.2006 in Claim Case No. 193/2005 this Court is satisfied that the instant appeal for enhancement of amount of compensation remains bereft of substance and does not merit admission.

For quantification of compensation to be awarded to the wife, children and father of the vehicular accident victim Ved Prakash about 42 years in age and working as Assistant Accounts Officer, the Tribunal has noticed the submissions of the claimants about the salary of the deceased at Rs. 13,080/- per month; and has also noticed the facts that the wife of the deceased was employed as a college lecturer earning herself Rs. 20,000/- per month and that father of the deceased retired from his services with Railways and was getting pension at Rs. 8,000/- per month. The Tribunal has taken net income of the deceased at Rs. 11,745/- comprising of Rs. 8,100/- basic salary and Rs. 3,645/- D.A.; and deducting one-third wherefrom has taken annual multiplicand at Rs. 93,960/- and

with application of multiplier of 15 in view of the age of the deceased at 42 years, has assessed pecuniary loss at Rs. 14,09,400/-. The Tribunal has further proceeded to allow Rs. 20,000/- to the wife of the deceased towards loss of consortium, Rs. 10,000/- to each of the two children towards loss of guidance of their father, and Rs. 10,000/- to the father of the deceased for loss of services of his son. The Tribunal has further allowed Rs. 15,000/- towards funeral expenses and yet another Rs. 10,000/- for sundry expenses. In this manner the Tribunal has awarded compensation in the sum of Rs. 14,84,400/- and has also allowed interest @ 7.5% per annum from the date of filing of claim application.

To say the least, the Tribunal has allowed compensation in favour of the appellants rather liberally. In the family set up, the factor of dependency, though taken at two-third of the estimated income of the deceased, does only stand on the higher side particularly when the wife of the deceased is in gainful employment. Then, in view of higher side multiplicand, application of maximum side multiplier of 15 has also taken the figure of pecuniary loss towards excessiveness. And then, the figures towards non-pecuniary loss and funeral and other expenses are definitely on the higher side. Rate of interest at 7.5% per annum in the award made in the month of August 2006 is also higher in the context of the prevalent rates and the quantum of compensation. Claim for enhancement over

such a liberal award made by the Tribunal could only be rejected as wholly meritless.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

Mohan/